

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

14-MD-254 (JMF)

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

This Document Relates To All Actions
-----X

**APPLICATION OF ROBIN L. GREENWALD FOR PLAINTIFFS' LIAISON
COUNSEL/EXECUTIVE COMMITTEE APPOINTMENT**

Pursuant to Pretrial Order No. 5, Robin L. Greenwald respectfully submits this application for appointment as Plaintiffs' Liaison Counsel and/or to the Executive Committee in MDL 2543.¹ Ms. Greenwald has been actively involved from the outset in the development and analysis of the factual and legal issues underlying the *GM Ignition Switch Litigation*.

Ms. Greenwald's varied litigation background makes her well suited for leadership in this MDL. For the past 30 years, she has devoted her career to obtaining justice for the public. She began her career as an Assistant U.S. Attorney for the Eastern District of New York, where she served for 11 years. Ms. Greenwald then became the Assistant Chief of the Environmental Crimes Section of the Department of Justice, in charge of Legislation, Policy and Special Litigation, followed by appointment as General Counsel for the Inspector General, U.S. Department of the Interior ("DOI"). In each of these positions, Ms. Greenwald was engaged in complex litigation, often of first impression.

After 19 years in public service, Ms. Greenwald became the Executive Director of Waterkeeper Alliance, a not-for-profit water protection organization with hundreds of member programs around the world. Since 2005, Ms. Greenwald has led Weitz & Luxenberg's

¹ Ms. Greenwald is not applying for a co-lead position; she supports the Court's three temporary co-leads as permanent co-leads. She has been working with these attorneys and their firms for months and believes they have all the skills the Court seeks in co-lead counsel.

Environmental, Toxic Tort and Consumer Protection Unit.² She has held leadership positions in multiple MDLs. In MDL 1358, before the Honorable Shira Scheindlin, Ms. Greenwald is Plaintiffs' Liaison Counsel. In that case, involving 200 suits brought by public water providers against 50 oil company defendants, Ms. Greenwald participated in the selection of test cases; argued over a dozen substantive motions; took dozens of fact and expert depositions; and successfully defended defendants' interlocutory appeal in the Second Circuit Court of Appeals. Her efforts resulted in a settlement of approximately 90% of the cases for over \$450 million.

For the past four years, Ms. Greenwald has also served on the Plaintiffs' Steering Committee for the BP Oil Spill litigation, MDL 2179, before the Honorable Carl Barbier. In MDL 2179, Ms. Greenwald was one of two chief negotiators of the Medical Benefits Class Action Settlement and also was trial counsel in the Phase Two Trial. Ms. Greenwald drafted the medical consolidated class action complaint; drafted and argued several substantive motions, including the medical class certification motion; took numerous depositions; drafted written discovery; and identified expert witnesses and assisted preparation of expert reports.

Ms. Greenwald's firm, Weitz & Luxenberg, is AV-rated with its headquarters in New York. The firm has 87 attorneys and 290 support staff. For 30 years, it has represented individuals, groups, communities and classes in New York and across the country to obtain redress, including compensation and injunctive relief, resulting from corporate malfeasance. The firm has the dedication, human and financial resources and litigation background and experience to meet the challenges of this MDL. Further, although the litigation against GM is national in scope, the JPML and this Court have both recognized a nexus to this District. The leadership of this MDL requires a strong New York presence and, over the past several months, no other New York firm has been as active in every phase of the litigation.

² Ms. Greenwald was also employed as a Clinical Professor of Law, Rutgers Law School–Newark from 2003-2005.

The totality of Ms. Greenwald's experiences, together with the substantial resources of Weitz & Luxenberg, makes her well qualified for the challenges of this MDL. In addition, and for the reasons set forth below, Ms. Greenwald's knowledge, experience, and abilities are well suited to the criteria identified by this Court's Order No. 5.

Work counsel has done in identifying, investigating, or prosecuting potential claims in the action. Weitz & Luxenberg, together with several other firms, was among the first to file a consumer class action related to the ignition switch litigation.³ We represent 17 of the class representatives in that matter, and we represent an additional seven class representatives in other *GM Ignition Switch Litigation* actions transferred to this MDL.⁴ We also recently filed a class action complaint related to the recently recalled 2010-2014 GM Camaro vehicle.⁵

We have taken the lead to hire and work closely with Caplin & Drysdale, bankruptcy counsel that was then appointed by Judge Gerber as one of a three-member bankruptcy liaison counsel. That work has involved garnering facts from myriad sources about the GM recall and drafting proposed stipulations of fact to address the threshold issues identified by Judge Gerber.

Ms. Greenwald and her colleagues have aggressively assisted their clients in real time. All told, the firm currently represents more than 1500 current or former owners of the vehicles recalled for a defective ignition switch. Many of these individuals are rightfully confused and/or frustrated by the recall process. Weitz & Luxenberg has provided counsel to assist its clients in navigating the recall process and ensuring they take all appropriate safety precautions. Further, some clients have been refused assistance by their dealerships and by GM to obtain temporary

³ See *Ramirez v. General Motors LLC*, No. 2:14-cv-02344 (C.D. Cal.).

⁴ See *Salerno v. General Motors LLC*, No. 2:14-cv-02132 (E.D. Pa.); *Ruff v. General Motors LLC*, No. 3:14-cv-02375 (D.N.J.); *Ross v. General Motors LLC*, No. 1:14-cv-02148 (E.D.N.Y.); *Mazzocchi v. General Motors LLC*, No. 7:14-cv-02714 (S.D.N.Y.); *Foster v. General Motors LLC*, No. 1:14-cv-00844 (N.D. Ohio); and *Elliott v. General Motors LLC*, No. 1:14-cv-11982 (D. Mass.).

⁵ *Sauer v. General Motors LLC*, No. 2:14-cv-04080 (D.N.J.).

rental vehicles while their defective vehicles are awaiting repair. When clients have reported this situation, the firm has negotiated with counsel for GM and succeeded in obtaining a rental vehicle for the client within days. The firm also has distributed information to all of its clients, notifying them of GM's offer to supply temporary vehicles during the recall process if requested.

Finally, approximately 300 of our clients were involved in accidents and have potential claims for personal injury and/or wrongful death. We have counseled each of these clients, are investigating their accidents, and advising them on available legal avenues.

Willingness and ability to commit to a time-consuming process. Given the nature of her 30-year legal practice, Ms. Greenwald understands the need to commit herself fully to this MDL. Indeed, she and several colleagues have worked nearly exclusively for months on this matter on behalf of the firm's economic loss, injured and deceased clients.⁶ Further, founding partner Perry Weitz and many of the firm's attorneys have extensive MDL leadership experiences, and they are available and committed to participate in this MDL as the needs arise.

Willingness and ability to work cooperatively with others. Ms. Greenwald has consistently demonstrated her ability to work cooperatively and collaboratively with others. As a government prosecutor and as General Counsel of DOI's Inspector General, her work often involved coordination and cooperation among multiple branches of state, local and federal government and other prosecutors' offices. As Plaintiffs' Liaison Counsel in MDL 1358, Ms. Greenwald coordinated legal strategy, motion practice and legal brief writing, discovery and monthly court appearances for all plaintiffs. In MDL 2179, she led committees with attorneys from around the country and coordinated litigation strategy and discovery with Department of

⁶ One of these attorneys, James Bilsborrow, was Ms. Greenwald's second chair in the BP Oil Spill MDL and has considerable class action experience from that case, his federal clerkships with Honorable Christopher C. Conner of the Middle District of Pennsylvania and Honorable D. Brooks Smith of the Third Circuit Court of Appeals, and his work to date on this case.

Justice enforcement attorneys. Part of her success has been her professional demeanor with all parties, including defense counsel, some of whom have filed appearances in this action.

Moreover, Ms. Greenwald has already demonstrated her willingness and ability to work cooperatively in this litigation. She is part of a plaintiffs' consortium that has filed more than eight consumer class actions now before this Court. Ms. Greenwald assumed the lead with one of three bankruptcy liaison counsel to coordinate and to ensure that the plaintiffs' interests are protected and the bankruptcy issues are presented in a focused, coordinated manner. Weitz & Luxenberg has hosted multiple meetings of counsel handling ignition switch matters. And together with a dozen other firms, Ms. Greenwald provided a critique of the GM Compensation Fund to Claims Administrator Kenneth Feinberg prior to its release. In sum, during the previous three months, the firm has been actively working with many of the firms that will be applying for leadership roles. Through these and other actions, Ms. Greenwald has been a cooperative partner and will continue to act in this manner if appointed to a leadership position.

This MDL will also necessarily involve coordination and cooperation between the MDL leadership and government enforcement attorneys. As in the BP Oil Spill, that coordination is likely to be multi-faceted: many depositions in MDL 2179 were of government personnel and, at the same time, the government was deposing many of the same personnel witnesses as it pursued its penalty claims against BP. Similar overlap is likely here, and Ms. Greenwald's years of government service provide her with a unique understanding of government prosecutorial concerns and interests and a special ability to work cooperatively with government attorneys.

WHEREFORE, Robin Greenwald respectfully requests that the Court appoint her as Plaintiffs' Liaison Counsel and/or to the Executive Committee. Further, Ms. Greenwald respectfully requests the opportunity to address Your Honor in Court on August 11, 2014.

Dated: New York, New York
July 28, 2014

Respectfully submitted,

WEITZ & LUXENBERG, P.C.

By: /s/ Robin L. Greenwald

Robin L. Greenwald
Weitz & Luxenberg, P.C.
700 Broadway
New York, New York 10003
Tel.: (212) 558-5500
Fax: (212) 344-5461
Email: rgreenwald@weitzlux.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 28, 2014, a copy of the above pleading was filed electronically with the Clerk of Court using the CM/ECF system and sent to all counsel using the CM/ECF filing system.

/s/ Robin L. Greenwald
Robin L. Greenwald